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Good morning Senator Maynard, Representative Guerrero and members of the Transportation Committee. My name is William Boucher and I am the President of the Connecticut Police & Fire Union. The Union represents State firefighters, regulatory personnel, and law enforcement officers, including Inspectors from the Department of Motor Vehicles. I am here today to speak on behalf of HB-5023, An Act Concerning Arrest Powers of Local Police Officers and Motor Vehicle Inspectors. The Motor Vehicle Inspectors are the only law enforcement personnel employed by the State of Connecticut who are not classified as peace officers under state statutes. You will hear today from some of the Motor Vehicle Inspectors who will be able to explain to you the duties and responsibilities of their jobs and why it is important for them to be included in the definition of peace officer; I would like to take a few minutes to explain why I believe it is important.

#### **Facts:**

Under Title 14 of the CGS the Motor Vehicle Inspectors have "the same authority to make arrests or issue citations for violation of any statute relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdiction."

In Sec. 14-137-16 of the State Regulations it states that the Department of Motor Vehicles "has as its primary function the protection of life and property through the administration and enforcement of the motor vehicle laws and regulations."

Sec. 7-294a of the CGS states that a "law enforcement unit" is "any agency, organ or department of this state ... whose primary function includes the enforcement of criminal laws ... the protection of life and property, or the prevention, detection or investigation of crime." It further states that a "police officer" is "any member of a law enforcement unit who performs police duties."

The DAS job description for Motor Vehicle Inspector includes the following as examples of duties: "may make arrests, issue summons, serve warrants or appear in court as arresting officer or witness for violation of statutes relating to motor vehicles; conducts special investigations and/or investigations of criminal and other activities as assigned; at time of heightened alert level under Homeland Security procedures may be required to maintain building security and perform patrol duties."

DMV Inspectors have carried guns since inception in 1917 and have always been an enforcement oriented unit. They are also issued batons, pepper spray and handcuffs.

The Motor Vehicle Inspectors pull-over trucks and cars for motor vehicle violations and often encounter violations of other state statutes and regulations. They make both misdemeanor and felony arrests for such violations, including: for wanted persons, weapons in vehicles, illegal drugs, and alcohol – DUI violations. They investigate illegal “chop-shops” looking for stolen vehicles. They also stop and search vehicles under heightened alert levels looking for potential terrorists and weapons of mass destruction.

### **Training:**

Motor Vehicle Inspectors are currently required to complete the same training requirements as all other law enforcement officers in Connecticut which are mandated by the Police Officer Training and Standards (P.O.S.T.). They attend the Police Academy in Meriden and are required to complete 680 hours of training, or approximately 17 weeks of academy time. New Inspectors are then subject to 400 hours of Field Training conducted by certified Field Training Officers before they can assume the full duties of their jobs. In order to maintain their certification, they are required to complete the mandatory P.O.S.T. in-service training cycle every three years.

DMV Inspectors are required to pass Firearms training twice a year by DMV Department policy. (This is twice the P.O.S.T. required annual standard.)

DMV Inspectors must pass Police Baton and Pepper Spray training annually. (Most police officers never undergo this training after the academy.)

DMV Inspectors receive Handcuffing and Use of Force training on a bi-annual basis. Again all training is conducted by certified Instructors. (Training includes Felony Stop Procedures, Search and Seizure and Officer Safety.)

In addition to the “standard” police training, Inspectors receive the following training:

Drug Interdiction (Basic and Advanced classes)

Auto Theft Detection

Radiological Detection Training

Homeland Security Classes (including explosives and truck bomb identification)

### **Benefits:**

Currently the Motor Vehicle Inspectors are issued side arms and other defensive tools and are expected to make arrests and enforce laws, but are not covered under the definition of “Peace Officer”. This potentially places both the State, and the Inspector, in a gray area as to liability for use of force in connection with the performance of their duties. Most statutory language and case law address use of force by a “Peace Officer”. By including Motor Vehicle Inspectors in the definition of “Peace Officer,” Inspectors would attain the same legal protections and immunities as any other police officers in Connecticut.

By including Motor Vehicle Inspectors in the definition of “Peace Officer” a criminal could be charged with interfering with an officer if such s/he willfully obstructs, resists, hinders or endangers the Inspector while they are in the performance of their duties. Currently, the Inspectors do not have this statutory protection.

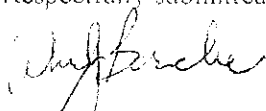
Including DMV Inspectors as “Peace Officers” would authorize them, in the performance of their duties, to command assistance from a person and charge such person with failure to assist if the person refused to assist the Inspector. This statute, though rarely used, is of great benefit in extreme emergencies. It also serves to legally protect the person assisting the Inspector.

Assault on a "Peace Officer" is a felony that protects all other police officers in Connecticut. Currently, it does not apply to Motor Vehicle Inspectors. Listing the Inspectors as "Peace Officers" would afford them this extra protection under the law.

This change in status does not require any change in training, equipment, or benefits (including retirement) that the Motor Vehicle Inspector currently receive. It is a zero- cost item to the State, with potentially significant benefits in the area of liability.

Based on all of this information, I think you can see why I feel that it is so important that HB-5023 be passed. Thank you for your time and attention.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "W. J. Boucher".

William J. Boucher